

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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JAMES McDonald #236354
Plaintiff

VS.

RICHARD ALLEN, et. al.;
Defendants

CASE NO. 2:06-CV-284 MHT
(W/O)

MOTION AND OBJECTION TO MAGISTRATE
JUDGE RECOMMENDATION

Plaintiff JAMES McDonald #236354 filed 42 U.S.C. § 1983
CLASS ACTION Challenging THE Conditions of Confinement
~~WITH~~in the Alabama Dept. of Corrections Prison Systems
EASTLING CORR. FAC. lity. Plaintiffs filed a brief in support
of his complaint which THE COURT CONSTRUES AS CONTAINING
A MOTION for CLASS CERTIFICATION UNDER RULE 23, FEDERAL RULES
OF CIVIL PROCEDURE (SEE DOC. NO. 3) UPON REVIEW OF THE MOTION
FOR CLASS CERTIFICATION, THE COURT CONCLUDES THAT THIS MOTION
IS DUE TO BE DENIED. (SEE MAGISTRATE JUDGE RECOMMENDATION Pg. 1)

Plaintiffs REQUEST THIS Honorable COURT For Appointment of
COUNSEL BECAUSE A CLASS ACTION WITH THIS GREAT OF MERIT
IS TOO COMPLICATED FOR THE PLAINTIFFS TO REPRESENT A CLASS
ACTION LAWSUIT. THIS Honorable COURT HAS JURISDICTION PURSUANT
TO 28 USC SECTION 1915 (e)(1), and SECTION 1988.
THE PLAINTIFFS WILL NOT BE ABLE TO INVESTIGATE THE CASE and
CONDUCT INTERVIEWS WITH STATE OFFICIALS. SEE *Montgomery V.*
Pinchak 294 F. 3d 442, 499 (3rd CIR. 2002); *Hendricks*
V. Coughlin, 114 F. 3d 390 (2d CIR. 1997)

PLAINTIFFS IMPRISONMENT WILL GREATLY LIMIT HIS ABILITY TO LITIGATE. THE NUMEROUS COMPLEX ISSUES INVOLVED IN THIS CASE, ARE REQUIRED TO HAVE SIGNIFICANT RESEARCH AND PROFESSIONAL INVESTIGATION. PLAINTIFF HAS LIMITED ACCESS TO THE LAW LIBRARY AND LIMITED KNOWLEDGE OF THE LAW.

WHEREFORE, PLAINTIFFS REQUEST THAT THE COURT APPOINT COUNSEL FOR THE PLAINTIFFS, WHO IS A MEMBER OF THE MONTGOMERY BAR, AS COUNSEL IN THIS CASE.

RESPECTFULLY SUBMITTED: James McDonald

CERTIFICATE OF SERVICE

JAMES McDONALD DECLARES UNDER PENALTY OF PERJURY AND HEREBY CERTIFIES THAT PURSUANT TO 28 USC UNDER § 1746 THAT I SERVED UPON THE CLERK OF THE COURT, THIS MOTION AND OBJECTION, BY PLACING IN AN ENVELOPE AND PUTTING ENVELOPE IN THE EASTERLING POST OFFICE ON THIS 14th day of APRIL, 2006, AND PROPERLY ADDRESSED: TO THE CLERK OF THE UNITED STATES DISTRICT COURT NORTHERN DIVISION P.O. BOX 711 MONTGOMERY, ALABAMA 36104-0711

SIGNED: James McDonald

EASTERLING CORR. FACILITY
200 WALLACE DRIVE
CLIO, ALABAMA 36617-2615